

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION**

MISCELLANEOUS CIVIL APPLICATION NO. 188 OF 2023

Prabhodini Sagar Gaikwad
@ Prabhodini Pandit Waghe
Versus

....Applicant

Sagar Shivsharanappa Gaikwad

....Respondent

Mr. Ashok B. Tajane, Advocate for the Applicant.
Mr. Sachin S. Punde, Advocate for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 14th FEBRUARY, 2024.

P.C. :

1. Heard learned counsel for the Applicant and learned counsel for the Respondent.
2. By this application, Applicant is seeking transfer of divorce petition filed by the Respondent-Husband which is pending at Civil Judge, Senior Division, Pune to Family Court, Solapur.
3. It is contention of learned counsel for the Applicant that Applicant stays with her old age parents and disabled sister at Solapur. The distance between Solapur to Pune is more than 200km. The Applicant is finding difficult to attend the Court's date at Pune.

Hence, requested to allow the Application.

4. It is contention of learned counsel for the Respondent-Husband that Respondent is in Abroad for taking education. He has issued power of attorney in favour of his father, who is old age person, if petition is transferred at Solapur his father would face difficulty to attend the Court's date at Solapur. Learned counsel further submitted that Respondent is ready to pay the travelling allowances to the Applicant. Learned counsel further submitted that Applicant is Engineer and she is searching for job, if she got job at Pune, she can attend the Court's date at Pune and Applicant's brother also stays at Pune. Hence, requested to reject the Application.

5. I have heard both learned counsel. Applicant stays at Solapur with her old age parents and disabled sister. The distance between Solapur to Pune is more than 200km. Applicant is finding difficult to attend the Court's date at Pune.

6. It is contention of learned counsel for the Respondent that Respondent has issued power of attorney in favour of his father, who is old age person and having various ailments. If petition is transferred at Solapur, he may face difficulties to attend the Court's dates at Solapur.

7. In my view, convenience of power of attorney holder cannot be a ground for not transferring the petition. It is settled principle of law that while considering the transfer petition, Court has to consider convenience of wife over husband. The husband can appear through video conferencing.

8. In view of above, I pass following order.

ORDER

- i. Application is allowed.
 - ii. The marriage petition No. 79 of 2023 pending before the Civil Judge, Senior Division, Pune be transferred to Family Court, Solapur.
 - iii. The Respondent-Husband can file application before the concerned Court for appearance through video conferencing. The concern Court shall decide it on its own merit.
 - iv. Both parties to appear before the Family Court, Solapur on 18th March, 2024.
9. The Miscellaneous Civil Application is disposed of.

(SHIVKUMAR DIGE, J.)